

# **EXHIBIT 3**

**From:** [Chance Weldon](#)  
**To:** [Gomez, Sandy](#)  
**Cc:** [Christian Townsend](#); [Duggins-Clay, Paige](#)  
**Subject:** RE: YCT v. UNT  
**Date:** Thursday, October 28, 2021 5:03:00 PM  
**Attachments:** [YCT Decision.pdf](#)  
[image001.png](#)

---

Sandy,

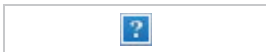
Please find the attached opinion denying UNT's motion to dismiss. You will note that the opinion concludes that "Defendants Goodman and Smatresk bear a 'sufficiently close' connection to the challenged enforcement of Section 54.051(d)" and are therefore proper parties to this case.

Given this holding, I am once again asking for available dates for Defendants' depositions. Please let me know by COB tomorrow if you still intend to refuse to produce your clients for deposition.

The offer remains open for us to discuss stipulations that would likely preclude the need for any depositions or discovery from our side in this case. Feel free to give me a call.

Best,

Chance Weldon  
Attorney  
Center for the American Future  
Texas Public Policy Foundation  
P: 512.472.2700



*The contents of this email message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and its attachments. Do not deliver, distribute, or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.*

---

**From:** Gomez, Sandy <Sandy.Gomez@huschblackwell.com>  
**Sent:** Thursday, October 14, 2021 1:19 PM  
**To:** Chance Weldon <cweldon@texaspolicy.com>  
**Cc:** Christian Townsend <ctownsend@texaspolicy.com>; Duggins-Clay, Paige <Paige.Duggins-Clay@huschblackwell.com>  
**Subject:** RE: YCT v. UNT

**EXTERNAL**

Chance,

Thank you for your patience. UNT is designating the following as our corporate representative for the below topics:

James Garrison, Associate Vice President for Enrollment Systems  
1500 North IH-35E, SSB  
Denton, Texas

We will present him in Denton, but please let me know if you will want to conduct the deposition in-person or virtually. I am unavailable the week of October 25<sup>th</sup>, so I propose that we look at the first two weeks of November. If that works for you please send me dates and I'll confirm.

As for the named defendants, we reiterate our current position that they are not proper at this time. In order to avoid any unnecessary discovery dispute, I would propose that we take the deposition of Garrison and then confer regarding the other depositions at that time.

Thank you,  
Sandy

**Sandy Hellums-Gomez**  
**Partner**  
Direct: 713-525-6222  
[Sandy.Gomez@huschblackwell.com](mailto:Sandy.Gomez@huschblackwell.com)

---

**From:** Chance Weldon <[cweldon@texaspolicy.com](mailto:cweldon@texaspolicy.com)>  
**Sent:** Monday, October 4, 2021 1:55 PM  
**To:** Gomez, Sandy <[Sandy.Gomez@huschblackwell.com](mailto:Sandy.Gomez@huschblackwell.com)>  
**Cc:** Christian Townsend <[ctownsend@texaspolicy.com](mailto:ctownsend@texaspolicy.com)>  
**Subject:** RE: YCT v. UNT

[EXTERNAL EMAIL]

Thanks Sandy.

Since you are not willing to stipulate, please provide deposition dates for the named Defendants as requested by this Wednesday.

As for your other question. As you are aware, Tex. Educ. Code § 54.051(d) sets the mandatory tuition rate for non-resident students in Texas. Unless, UNT is applying a rate for non-residents in violation of state law, someone at the University is applying Tex. Educ. Code § 54.051(d). But, to be more clear, please designate (and provide dates for) the person to speak on behalf of the University as to: (1) How tuition rates are set for resident and non-resident students and who makes those decisions;

and (2) how the University determines resident status for tuition purposes for any given student and who makes those decisions.

Thanks,

Chance Weldon  
Attorney  
Center for the American Future  
Texas Public Policy Foundation  
P: 512.472.2700



*The contents of this email message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and its attachments. Do not deliver, distribute, or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.*

---

**From:** Gomez, Sandy <[Sandy.Gomez@huschblackwell.com](mailto:Sandy.Gomez@huschblackwell.com)>  
**Sent:** Friday, October 1, 2021 4:02 PM  
**To:** Chance Weldon <[cweldon@texaspolicy.com](mailto:cweldon@texaspolicy.com)>  
**Cc:** Christian Townsend <[ctownsend@texaspolicy.com](mailto:ctownsend@texaspolicy.com)>  
**Subject:** RE: YCT v. UNT

**EXTERNAL**

Hi Chance,

Following up on your request, on the corporate representative, we want to clarify what is meant by “the application of” the statute, as no UNT official is expressly charged with “applying” Tex. Educ. Code § 54.051(d). Please provide us with more information regarding the topics that you are seeking regarding the “application” of Tex. Educ. Code § 54.051(d), so that we can assess which representative(s) can speak to those issues.

As to the deposition of the named plaintiffs, we are not willing to stipulate that they have a sufficient connection to Tex. Educ. Code § 54.051(d) to be proper parties. As you know from our briefing, UNT maintains that YCT has failed to properly plead an *Ex parte Young* claim, or any other viable cause of action for equitable relief and discovery in that regard is beyond what was pled in the four corners of

the complaint. I think the corporate representative deposition may encompass some of the broader tuition process issues you are seeking.

Please let me know if you wish to discuss further.

Thank you,

**Sandy Hellums-Gomez**

**Partner**

Direct: 713-525-6222

[Sandy.Gomez@huschblackwell.com](mailto:Sandy.Gomez@huschblackwell.com)

---

**From:** Chance Weldon <[cweldon@texaspolicy.com](mailto:cweldon@texaspolicy.com)>

**Sent:** Friday, September 24, 2021 12:18 PM

**To:** Gomez, Sandy <[Sandy.Gomez@huschblackwell.com](mailto:Sandy.Gomez@huschblackwell.com)>

**Cc:** Christian Townsend <[ctownsend@texaspolicy.com](mailto:ctownsend@texaspolicy.com)>

**Subject:** YCT v. UNT

[EXTERNAL EMAIL]

Good afternoon,

I wanted to touch base on the potential discovery in this case. I would like to avoid discovery if possible. But given UNT's prior suggestion that the named defendants don't have a sufficient connection to the challenged law to be proper parties to this case, I think it probably makes sense to take a couple of depositions. By next Friday, please provide the name and available deposition dates for UNT's corporate representative who UNT will designate to testify on its behalf as to the application of Tex. Educ. Code § 54.051(d) at UNT. Also, please provide dates by Friday for the depositions of the named defendants in this case.

As an alternative, UNT could simply stipulate that the named defendants have a sufficient connection to Tex. Educ. Code § 54.051(d) to be proper parties in this case, or provide the name of the individual at UNT with a sufficient connection to the statute. If UNT will so stipulate, I don't foresee the need for Plaintiffs to conduct other discovery in the case.

Thanks,

Chance Weldon

Attorney

Center for the American Future

Texas Public Policy Foundation

P: 512.472.2700



*The contents of this email message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and its attachments. Do not deliver, distribute, or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.*